

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THOMAS E. HARPER,

No. C 11-05232 SBA

Plaintiff,

**CASE MANAGEMENT SCHEDULING  
ORDER FOR REASSIGNED CIVIL  
CASES**

v.

SMART TECHNOLOGIES,

Defendant.

This action having been reassigned to the Honorable Saundra Brown Armstrong,

IT IS ORDERED that this action is assigned to the Case Management Program and shall be governed by Civil L.R. 16-2. The dates listed in the Order Setting Initial Case Management Conference remain in effect except that the initial Case Management Conference is rescheduled for **February 9, 2012 at 2:30 p.m.**, via telephone.

**Plaintiff's** counsel is to set up the conference call with all the parties on the line and call chambers at (510) 637-3559. **(NO PARTY SHALL CONTACT CHAMBERS DIRECTLY WITHOUT PRIOR AUTHORIZATION OF THE COURT.)**

Plaintiff(s) is directed to serve a copy of this Order at once on all parties to this action in accordance with the provisions of Rule 5 of the Federal Rules of Civil Procedure not enrolled in the e-filing program. Following service, the party causing the service shall file a certificate of service with the Clerk of Court.

Dated: 11/3/11



SAUNDRA BROWN ARMSTRONG  
United States District Judge

To:

**JUDGE ARMSTRONG'S STANDING ORDERS**

Effective July 1, 2011

1. **Compliance with Local Rules:** Counsel are expected to consult and comply with all provisions of the Local Rules of Court relating to continuances, motions and all other matters.

2. **Scheduling:**

- a. Criminal: The criminal law and motion calendar is held on Tuesdays beginning at 10:00 a.m.
- b. Civil: The civil law and motion calendar is held on Tuesdays beginning at 1:00 p.m. Civil matters shall not be noticed for hearing on a Tuesday following an official court holiday that falls on a Monday. The Court may resolve motions without a hearing. See Fed. R. Civ. P. 78(b); Civ. L.R. 7-1(b).
- c. Case Management Conferences: Case Management Conferences are conducted telephonically, and are held on Wednesdays and Thursdays, beginning at 2:30 p.m.
- d. Trial: The Court's trial days are Mondays, Wednesdays, Thursdays and Fridays. Trial hours are from 8:30 a.m. to 2:30 p.m., which includes one fifteen (15) minute break in the morning and a thirty (30) minute lunch break.

3. **Setting Motions for Hearing:** The Court does not reserve hearing dates. To schedule a matter on the Court's civil law and motion calendar, the parties are directed to review the Court's calendar at [www.cand.uscourts.gov](http://www.cand.uscourts.gov) to determine the next available hearing date. Matters are calendared on a first come first serve basis.

4. **Checking the Calendar Before You Appear:** Before appearing for a matter before this Court all parties shall check the court's calendar at [www.cand.uscourts.gov](http://www.cand.uscourts.gov) to confirm that their matters are still on calendar.

5. **Meet and Confer Requirement:** All parties shall meet and confer before filing any motion before the Court. The motion and any other non-stipulated request shall include a certification, which may be included in the body of the document, that the parties have complied with the meet and confer requirement. The Court may disregard any papers submitted that do not comply with this rule.

6. **Guilty Pleas:** Prior to a plea being entered in a criminal case, a copy of the plea agreement must be submitted to chambers no later than the Friday before the plea is to be taken. All persons pleading guilty must complete an application for permission to enter plea of guilty, which is available on the Court's website at [www.cand.uscourts.gov](http://www.cand.uscourts.gov).

7. **Courtesy Copies in e-Filing Cases:** When filing papers in connection with any motion or case management conference, the parties shall, in addition to filing papers electronically, lodge with the Clerk's Office a printed copy of the papers by the close of business the following day the papers are filed electronically. These printed copies shall be marked "Chambers Copy" and shall be submitted to the Clerk's Office, in an envelope clearly marked with the judge's name, case number and "E-Filing

Chambers Copy." Parties shall not file a paper copy of any other document with the Clerk's Office that has already been filed electronically. You MUST submit a hard copy of all motion papers filed in E-FILED cases in order to be placed on calendar.

### OTHER REQUIREMENTS

In addition to the requirements set forth in the Civil L.R. 16-10, counsel are expected to comply with the following:

#### A. Filing Case Management Conference Statements

Counsel are expected to comply with this Standing Order concerning the joint filing of the Case Management Statement. In preparing the Case Management Statement, the parties shall use the Standing Order for all Judges of the Northern District of California provided herewith. Note that no party may submit a separate Case Management Statement. Disagreements among parties with respect to any of the matters contained in the Case Management Statement shall be set forth in the appropriate sections.

Counsel are further expected to file a Case Management Statement at least ten (10) days before each and every scheduled Case Management Conference. If there is no change in the status of the case from the time the last statement was filed, counsel shall indicate as such in a pleading and attach a copy of the most recently filed Case Management Statement to the pleading. Failure to timely file a Case Management Statement may result in sanctions.

#### B. Appearance at the Case Management Conference

Each party shall be represented at the Case Management Conference by Counsel prepared to address all of the matters referred to in this and the Civil L.R. 16-10(b), and with authority to enter into stipulations and make admissions pursuant to this and Fed. R. Civ. P. 16(a) and (c). Representatives of the parties may, but are not required to, attend. Unless otherwise specified, all Case Management Conferences shall take place via telephone. Plaintiff or his/her counsel is responsible for setting up the conference call. Plaintiff or his/her counsel will be notified of the date and time of the telephone conference call by Clerk's Notice shortly after the case is filed.

Any request to reschedule the above dates shall be made in compliance with Civil L.R. 16-2(e) and must be made at least ten days prior to the date sought to be modified. A request to continue a Case Management Conference shall be made in a separately-filed request, separate from the Case Management Conference Statement. Counsel shall not contact the chambers of Judge Armstrong regarding requests to modify provisions of this Standing Order; all requests must be submitted in writing and served on all parties to the action.

The parties should be prepared to address and resolve at the Case Management Conference the following: Setting the date and the estimated length of the trial; setting the deadline for joining parties and amending the pleadings; setting the date for discovery and motion cutoff; setting the date to designate experts and other witnesses; setting the date for the pretrial conference.

Other matters which the Court will take up at the Case Management Conference, in addition to those specified in the Joint Case Management Statement and Proposed Order Form, will include the following:

1           1.       **Jurisdiction:** Does this Court have subject matter jurisdiction  
2 over all of the plaintiff's claim(s) and defendant's counter-claim(s)? What is the basis of  
3 such jurisdiction? Are all the parties subject to the Court's jurisdiction? Do any parties  
4 remain to be served?

5           2.       **Substance of the Action:** What are the factual and legal bases  
6 for plaintiff's claims, defendant's defenses, defendant's counter-claims and plaintiff's  
7 defenses to the counterclaims?

8           3.       **Identification of Issues:** What are the factual and legal issues  
9 genuinely in dispute?

10          4.       **Narrowing of Issues:** What are the issues that can be narrowed  
11 by agreement or by motions? Are there dispositive or partially dispositive issues  
12 appropriate for a decision by motion?

13          5.       **Motions:** What are the motion(s) anticipated by the parties?

14          6.       **Relief:** What relief does the plaintiff seek? What is the amount  
15 of damages sought by plaintiff's claim(s)? What is the amount of damages sought by  
16 defendant's counter-claim(s)? How are the damages computed?

17          7.       **Discovery:** What discovery does each party intend to pursue?  
18 Can discovery be limited in any manner? Are there any alternative methods available to  
19 obtain the necessary information? Should a discovery order and conference be entered  
20 pursuant to Fed. R. Civ. P. 26(f)?

21          8.       **Alternative Means of Disposition:** Is the case suitable for  
22 reference to binding arbitration, to a master, or to a magistrate for trial? Is the case  
23 suitable for reference to the Judicial Panel on Multidistrict Litigation?

24          9.       **Pretrial Conference and Trial Setting:** Will this case be tried  
25 by a jury? What is the anticipated length of trial? Is it possible to reduce the length of  
26 the trial by stipulation, use of summaries or statements, or other expedited means of  
27 presenting evidence? Is it feasible and desirable to bifurcate issues for trial?

28          10.       **Related Cases:** Are there any related cases pending before the  
judges of this Court? See Civil L.R. 3-12.

          11.       **Cut-Off Dates:** When are the earliest reasonable dates for  
amendment to the pleadings, discovery cutoff, motion cutoff, expert disclosures, pretrial  
conference and trial?

          12.       **Settlement:** What are the prospects for settlement? Does any  
party wish to have a settlement conference with a magistrate? How can settlement  
efforts be assisted? See ADR L.R. 7-3.

          13.       **Other Matters:** Such other matters as any party considers  
conducive to the just, speedy and inexpensive determination of this action. See  
Fed.R.Civ.P. 16(a) and (c).

## C.    Law and Motion

1. **Scheduling:** Law and Motion matters will be heard on Tuesdays at 1:00 p.m., in Courtroom 1 of the United States Courthouse, 1301 Clay Street, 4th Floor, Oakland, California. The parties need not reserve hearing dates. The parties are advised to check the court's calendar at [www.cand.uscourts.gov](http://www.cand.uscourts.gov) [Judges | Sandra Brown Armstrong | Judge's Calendar | View Scheduling Notes] for the next available hearing date. Matters are calendared on a first come first serve basis. You must submit a hard copy of all motion papers filed in E-FILED cases in order to be placed on calendar.

2. **Page Limits:** All noticed motions (other than motions for summary judgment) and any opposition thereto, shall not exceed **fifteen (15) pages** in length, exclusive of the table of contents, table of authorities, exhibits and declarations, if required. Reply briefs may not exceed **ten (10) pages** in length. Motions for summary judgment are subject to the page limits set forth in Civil Local Rule 7.

3. **Meet and Confer Requirement:** All parties are required to meet and confer before filing any motion or any non-stipulated request with this court, and to certify that they have complied with this requirement.

4. **Proposed Orders:** Each party filing or opposing a motion shall also serve and file a proposed order which sets forth the relief of action which includes that the party requests the Court to adopt, a short statement of the rationale of decision including citation to authority.

5. **Summary Judgment Motions:** Parties are limited to filing one motion for summary judgment. Any party wishing to exceed this limit must request leave of Court. The parties are not required to file statements of undisputed facts in connection with a motion for summary judgment. However, if the parties desire to file a statement of undisputed facts, only one joint statement of undisputed facts signed by all parties shall be filed. All separate statements will be stricken. If the parties are unable to agree that a fact is undisputed, they should assume that fact is in dispute.

6. **Failure to File Opposition:** The failure of the opposing party to file a memorandum of points and authorities in opposition to any motion shall constitute a consent to the granting of the motion.

7. **Appearances:** The Court may, in its discretion, adjudicate motions without oral argument. Fed. R. Civ. P. 78(b); Civ. L.R. 7-1(b). The parties are advised to check the Court's website [www.cand.uscourts.gov](http://www.cand.uscourts.gov) [Judges | Sandra Brown Armstrong | Judge's Calendar] to determine whether an appearance on the motion is required. NOTE: If a Case Management Conference is scheduled to follow the hearing on the motion, and the motion has been removed from the calendar, the Case Management Conference is deemed to have been taken off calendar as well, and will be rescheduled, if appropriate.

8. **Non-Compliant Papers:** Any pleading or brief sought to be filed with the Court after the required time, or in an improper manner or form, shall not be received or considered by the Court. Any attorney in violation of such requirements will be subject to other sanctions. Civil L.R. 1-4.

9. **Sanctions:** Failure to comply with this Order or the Local Rules of this Court may result in sanctions. See Fed.R.Civ.P. 16(f); Civil L.R. 1-4.

#### **D. Discovery Motions**

All discovery disputes will be referred to a Magistrate Judge of this Court.

**United States District Court**

For the Northern District of California

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SAUNDRA BROWN ARMSTRONG  
United States District Judge